IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Crl.MC.No. 256 of 2007()

CC.448/2006 of JUDL.MAGISTRATE OF FIRST CLASS, PARAVOOR

.....

PETITIONER:

MOINUEL HAQUE, CHANDIRATHIL VEEDU,
THEKKUMBHAGOM CHERRY, KOTTAPPURAM,
PARAVOOR, KOLLAM.

BY ADV. SRI.K.SUBASH CHANDRA BOSE

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

Crl.M.C.No. 256 of 2007

- -

Dated this the 2nd day of February, 2007

O R D E R

The petitioner faces indictment in a pending prosecution for the offence punishable, inter alia, under Section 304A I.P.C. The alleged incident had taken place as early as on 4.7.2000. Trial has not commenced. The petitioner was not available for some period of time. Consequently, the case was transferred to the list of long pending cases. It has now been recalled from the list of long pending cases and it bears the number C.C.No. 448 of 2006. The petitioner wants his case to be disposed of expeditiously, as he is hopeful of securing an employment abroad.

2. Reckoning the case as one of the year 2006, the learned Magistrate has adjourned the case to 8.6.2007. The petitioner has come to this Court with a prayer that direction may be issued to ensure expeditious disposal of the case against the petitioner. That is the short request made.

3. Did the petitioner move the learned Magistrate? What order did the learned Magistrate pass on such a request? Why did the

petitioner not move the learned Magistrate? These questions are not answered satisfactorily. In a situation like this, the petitioner must certainly move the learned Magistrate and pray for expeditious disposal. I do not expect every litigants come to this court without and before moving the learned Magistrate adding the flood of litigations to this Court. However, I reckon the request to be legitimate. His case should not have been reckoned as other cases filed in 2006. The incident had taken place in 2000. The petitioner must move the learned Magistrate. I find no reason why the learned Magistrate should not accept the request of the petitioner, taking into account the fact that the incident had taken place as early as in 2000. No specific direction need be given now. Of course, if the petitioner is not satisfied with the order of the learned Magistrate on his request, he can approach this Court again.

4. With the above observations, this Crl.M.C. is dismissed.

5. Hand over a copy of the order to the learned counsel for the petitioner, which he can produce when he files the application for early disposal before the learned Magistrate.

(R. BASANT)
Judge

tm